

**IN THE DISTRICT COURT OF THE UNITED STATES  
FOR THE WESTERN DISTRICT OF NORTH CAROLINA  
ASHEVILLE DIVISION  
1:09 cr 16-2**

<b>UNITED STATES OF AMERICA</b>	)	
	)	
<b>Vs.</b>	)	<b>ORDER</b>
	)	
<b>DAVID JIMENEZ MARIN.</b>	)	
	)	

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**THIS CAUSE** coming on to be heard and being heard before the undersigned, pursuant to a motion filed by defendant's counsel entitled "Motion to Withdraw as Counsel of Record" (#24). In the motion, defendant's counsel, Noe' L. Flores has stated the defendant has terminated Mr. Flores' services on May 7, 2009 and advised that his wife or mother had hired another attorney. At the call of this matter on for hearing the undersigned noted that the defendant was present with Mr. Flores and the government was present through Assistant United States Attorney Don Gast. The undersigned pointed out to the defendant that no attorney, other than Mr. Flores, had made any appearance on behalf of the defendant.

The court then made inquiry of the defendant as to the name and address of the attorney that had been retained and was advised that the defendant did not know the name of any attorney that had been contacted and no financial arrangement had been reached with any attorney nor had any attorney been hired. The undersigned then conducted a sealed proceeding with the defendant and his counsel. At the close of

the sealed proceeding and in open court, the defendant advised the undersigned he wished for Mr. Flores to continue to represent him in this matter.

## **ORDER**

**IT IS, THEREFORE, ORDERED** that the “Motion to Withdraw as Counsel of Record” (#24) is hereby **DENIED**.

Signed: May 19, 2009

Dennis L. Howell  
Dennis L. Howell  
United States Magistrate Judge

